

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

M.R. MIKKILINENI,

Plaintiff,

v.

04cv0491

Electronically Filed

GIBSON-THOMAS ENGINEERING CO., ET AL.,

Defendants.

ORDER OF COURT

Before the Court is plaintiff M.R. Mikkilineni's "Motion to Strike void-order of 04/20/2004 under Rule 60(b)(4) & (6) and Re-open causes of action by Allowing an Independent Action under Rule 60(d)(1), (b)(2) & (b)(3)." (doc. no. 64) in which he seeks to "reopen" a case that has been closed for five years. As Defendants Gibson-Thomas Engineering Co. ("GTE"), Edward Schmitt, and Mark Gera accurately summarize in their response. (doc. no. 71):

[T]his matter was dismissed with prejudice and closed by Judge Schwab over five years ago on April 20, 2004. Contained in Judge Schwab's Order was a directive that stated that the Clerk of Court "shall not accept any pro se complaint or other initial pleading from this plaintiff which names any of the defendants named herein as defendants or which is related in any way with his now defunct engineering company, MRM Engineers, unless he has first presented an application for leave to file complaint or other initial pleadings with the attached and has obtained a court order permitting him to file same." . . . Clearly, a review of Plaintiff's pleading shows that Plaintiff is attempting to file a new (frivolous and unrelated) claim based on the action filed by GTE in the Westmoreland County Court of Common Pleas at No. 6137 of 2001. However, due to the Order set down by Judge Schwab, the Plaintiff is unable to do so at a new number and term, and therefore he is attempting to do so at the instant number and term even though this matter has been closed for five years. Plaintiff is clearly attempting to circumvent Judge Schwab's ruling, and continue on with his pattern of endless harassment of the Defendants by attempting to re-open the instant matter and collaterally attacking the closed judgment of the case set forth at No. 6137 of 2001 in the Court of Common Pleas of Westmoreland County.

(Doc. no. 71 at 3-4.)

This Court will not permit plaintiff to circumvent this Court's directives by this flagrant maneuver. Accordingly, plaintiff's "Motion to Strike void-order of 04/20/2004 under Rule 60(b)(4) & (6) and Re-open causes of action by Allowing an Independent Action under Rule 60(d)(1), (b)(2) & (b)(3)" (doc. no. 64) is DENIED.

SO ORDERED this 5th day of June, 2009

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: all counsel and parties of record